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35 **UNITED STATES DISTRICT COURT**
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37 **NORTHERN DISTRICT OF CALIFORNIA**
38
39 **SAN FRANCISCO DIVISION**

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41 MAXIMILIAN KLEIN, et al., on behalf of
42 themselves and all others similarly situated,

43 Case No. 3:20-cv-08570-JD

44 Plaintiffs,

45 **META PLATFORMS, INC.'S
46 ADMINISTRATIVE MOTION TO FILE
47 UNDER SEAL**

48 v.

49 META PLATFORMS, INC., a Delaware
50 Corporation,

51 Judge: Hon. James Donato

52 Defendant.

STANDING ORDER PARAGRAPH 31 NOTICE

2 The parties have agreed to use the approach outlined in Paragraph 31 of the Court's
3 Standing Order for Civil Cases for the rounds of briefing associated with User Plaintiffs' and
4 Advertiser Plaintiffs' Motions for Class Certification, and any related *Daubert* briefing, including
5 Defendant Meta Platforms, Inc.'s Motion to Exclude the Testimony of Scott Fasser and Joshua S.
6 Gans. Meta hereby notifies the Court that the parties will file a combined Administrative Motion
7 to Seal when briefing on the class certification and related *Daubert* motions is complete. That
8 combined Administrative Motion to Seal will address all relevant documents submitted in
9 connection with this briefing. Meta will work in good faith to minimize the amount of material
10 sought to be sealed in that motion in accordance with the applicable standard and this Court's prior
11 guidance. *See* Dkt. 344.

META PLATFORMS' ADMINISTRATIVE MOTION TO FILE UNDER SEAL

13 Pursuant to Civil Local Rules 7-11 and 79-5(c), Defendant Meta Platforms, Inc.
14 respectfully files this Administrative Motion To File Under Seal portions of its Motion to Exclude
15 the Testimony of Scott Fasser and Joshua S. Gans, and certain documents submitted in support of
16 that Motion. Materials and documents may be provisionally filed under seal pursuant to Civil
17 Local Rule 79-5(c) provided that the party seeking the relief can show that there are “legitimate
18 private or public interests that warrant sealing” that “injury will result if sealing is denied” and
19 “why a less restrictive alternative to sealing is not sufficient.” L.R. 79-5(c)(1).

20 Pursuant to Paragraph 31 of this Court's Standing Order for Civil Cases, Meta will provide
21 a "more fulsome and revised motion to seal" after the completion of briefing. Meta has lodged
22 under seal deposition excerpts of certain of its current and former employees, which have been
23 designated Highly Confidential or Confidential under the Stipulated Protective Order. Dkt. 314.
24 Meta has also lodged under seal portions of its Motion to Exclude the Testimony of Scott Fasser
25 and Joshua S. Gans that reference these materials.

26 As noted in Meta’s associated Motion to Consider Whether Another Party’s Information
27 Should Be Sealed, Meta has also lodged under seal the Report and Reply Report of Scott Fasser,

1 the Report and Reply Report of Joshua S. Gans, and the Report of Michael A. Williams, which
 2 Advertiser Plaintiffs have designated Highly Confidential under the Stipulated Protective Order.
 3 Dkt. 314. Meta has also lodged under seal excerpts from the deposition of Scott Fasser, which are
 4 currently provisionally designated Highly Confidential under the Stipulated Protective Order. Dkt.
 5 314. Meta has also lodged under seal portions of its Motion to Exclude the Testimony of Scott
 6 Fasser and Joshua S. Gans that reference these materials.

7 Meta notes that the Fasser, Gans, and Williams reports and Fasser deposition transcript
 8 also contain potentially sealable information from other parties, including Meta and the following
 9 non-parties: Alphabet, Inc.; LinkedIn Corporation; Snap, Inc.; and X Corp. (f/k/a Twitter, Inc.).
 10 Meta anticipates that all parties will address appropriately tailored sealing requests in the combined
 11 motion to seal submitted at the end of briefing pursuant to Paragraph 31 of this Court's Standing
 12 Order for Civil Cases.

13 Meta has lodged under seal the following materials referencing Meta's information:

Document	Portions to Be Lodged Under Seal	Designating Party
Meta's Motion to Exclude the Testimony of Scott Fasser and Joshua S. Gans	Portions highlighted in green	Meta
Ex. 2 to the Decl. of Molly M. Jennings in Support of Meta's Motion to Exclude the Testimony of Scott Fasser and Joshua S. Gans ("Fasser Reply Report")	In its entirety	Meta and Advertiser Plaintiffs
Ex. 3 to the Decl. of Molly M. Jennings in Support of Meta's Motion to Exclude the Testimony of Scott Fasser and Joshua S. Gans ("Fasser Deposition Excerpts")	In its entirety	Meta and Advertiser Plaintiffs
Ex. 4 to the Decl. of Molly M. Jennings in Support of Meta's Motion to Exclude the Testimony of Scott Fasser and Joshua S. Gans ("Gans Report")	In its entirety	Meta and Advertiser Plaintiffs
Ex. 5 to the Decl. of Molly M. Jennings in Support of Meta's Motion to Exclude the Testimony of Scott Fasser and Joshua S. Gans ("Gans Reply Report")	In its entirety	Meta and Advertiser Plaintiffs
Ex. 6 to the Decl. of Molly M. Jennings in Support of Meta's Motion to Exclude the	In its entirety	Meta and Advertiser Plaintiffs

1	Testimony of Scott Fasser and Joshua S. Gans (“Williams Report”)		
2	Ex. 7 to the Decl. of Molly M. Jennings in Support of Meta’s Motion to Exclude the Testimony of Scott Fasser and Joshua S. Gans (“Smallwood Deposition Excerpts”)	In its entirety	Meta
3	Ex. 8 to the Decl. of Molly M. Jennings in Support of Meta’s Motion to Exclude the Testimony of Scott Fasser and Joshua S. Gans (“Eide Deposition Excerpts”)	In its entirety	Meta
4	Ex. 9 to the Decl. of Molly M. Jennings in Support of Meta’s Motion to Exclude the Testimony of Scott Fasser and Joshua S. Gans (“Bosworth Deposition Excerpts”)	In its entirety	Meta
5	Ex. 10 to the Decl. of Molly M. Jennings in Support of Meta’s Motion to Exclude the Testimony of Scott Fasser and Joshua S. Gans (“Goldman Deposition Excerpts”)	In its entirety	Meta
6	Ex. 11 to the Decl. of Molly M. Jennings in Support of Meta’s Motion to Exclude the Testimony of Scott Fasser and Joshua S. Gans (“Baser Deposition Excerpts”)	In its entirety	Meta
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15 As noted, upon the conclusion of briefing on class certification motions and related
16 *Daubert* motions, the parties will submit a combined Administrative Motion to Seal that will
17 contain additional detail addressing each of the above documents and any additional documents
18 containing Meta’s, plaintiffs’, and relevant non-parties’ confidential information submitted in
19 connection with the briefing on class certification motions and related *Daubert* motions.

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1 Dated: September 15, 2023

Respectfully submitted,

2 By: /s/ Molly M. Jennings

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CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of September, 2023, I caused the foregoing document to be transmitted via electronic mail.

/s/ Molly M. Jennings
Molly M. Jennings